

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES M. MALARIK, )  
Plaintiff, )  
vs ) Civil Action No. 18-660  
ARAMARK AT PNC PARK, )  
Defendant. )

O R D E R

AND NOW, this 25<sup>th</sup> day of June, 2018, after the plaintiff, James M. Malarik, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge which recommended that the case be dismissed for lack of subject matter jurisdiction and granted the plaintiff a period of time after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the plaintiff, upon independent review of the complaint and the objections, and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 10), which is adopted as the opinion of this Court,

IT IS ORDERED that the complaint (ECF No. 3) is dismissed for lack of subject matter jurisdiction and Plaintiff's pending Motions (ECF Nos. 5, 6, 7, and 9) are dismissed as moot.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/Nora Barry Fischer  
Nora Barry Fischer  
United States District Judge

cc: James M. Malarik  
P.O. Box 492  
Ambridge, PA 15003